

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**GROWELLA INC. d/b/a  
HOMEBUYER.COM,**

Plaintiff,

v.

**PHILLIP GANZ**

and

**MAKE FLORIDA YOUR HOME LLC**

and

**NEXT WAVE MORTGAGE, LLC**

and

**RYAN SKERRIT,**

Defendants.

Case No. 1:23-cv-0832

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Growella Inc. d/b/a Homebuyer.com ("Homebuyer.com"), for its complaint against Defendants Phillip Ganz, Make Florida Your Home LLC, Next Wave Mortgage, LLC, and Ryan Skerrit, states as follows:

**SUMMARY AND NATURE OF THE ACTION**

1. This is a copyright action for damages and injunctive relief arising from the unauthorized copying and use by Defendants of Homebuyer.com's copyrighted articles, which relate to the home buying and mortgage processes and are published on its website www.homebuyer.com (the "Homebuyer.com Articles").

2. The infringing works (the "Infringing Articles") are articles published by Defendants on [www.makefloridayourhome.com](http://www.makefloridayourhome.com). The Infringing Articles copy the unique expressive content of the Homebuyer.com Articles, including their specific topics, structured organization, and distinctive analysis. Because Defendants did not seek or obtain permission to copy the Homebuyer.com Articles, Homebuyer.com files this action to stop Defendants from continuing to infringe Homebuyer.com's copyrights and to obtain compensation for the harm that Defendants have caused.

### **PARTIES**

1. Homebuyer.com is a Delaware corporation with a principal place of business located at 230 Findlay Street, Second Floor, Cincinnati, Ohio 45214.

2. Ganz is an individual and is a resident of Fort Lauderdale, Florida, and is identified in the Infringing Articles as the author.

3. Make Florida Your Home is a Florida limited liability company with a principal place of business located at 5821 Northeast 14th Way, Fort Lauderdale, Florida 33334.

4. Next Wave Mortgage is a Florida limited liability company filed with a principal place of business located at 533 NE 3rd Avenue #322, Fort Lauderdale, Florida 33301.

5. Skerritt is an individual and is a resident of Fort Lauderdale, Florida.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332, and 1338 and 17 U.S.C. § 101, et seq.

7. This Court has personal jurisdiction over Defendants under the Ohio long-arm statute, Ohio Rev. Code § 2307.382, at least because Homebuyer.com's claims arise out of each Defendant's (1) causing tortious injury in Ohio, (2) committing acts with the purpose of causing

said tortious injury, and (3) reasonable expectation that such acts would cause said tortious injury in Ohio.

8. Venue is proper in this district under 28 U.S.C. § 1391.

**HOMEBUYER.COM'S REGISTERED WORKS**

9. United States Copyright Registration No. TX 9-334-897 (the "897 registration") is titled "Down Payment Assistance for First-Time Buyers in 2022" and covers one of the Homebuyer.com Articles, which was first published on May 16, 2022. Attached as Exhibit 1 is a copy of the related Homebuyer.com Article covered by the 897 registration.

10. United States Copyright Registration No. TX 9-336-584 (the "584 registration") is titled "Summary: The \$25,000 First-Time Home Buyer Downpayment Grant of 2021" and covers one of the Homebuyer.com Articles, which was first published on April 20, 2021. Attached as Exhibit 2 is a copy of the related Homebuyer.com Article covered by the 584 registration.

11. United States Copyright Registration No. TX 9-336-234 (the "234 registration") is titled "What is Biden's \$25,000 Downpayment Toward Equity Act? [Explained]" and covers one of the Homebuyer.com Articles, which was first published on June 27, 2022. Attached as Exhibit 3 is a copy of the related Homebuyer.com Article covered by the 234 registration.

12. United States Copyright Registration No. TX 9-335-272 (the "272 registration") is titled "A Guide to the \$15,000 First-Time Homebuyer Act of 2021" and covers one of the Homebuyer.com Articles, which was first published on June 15, 2021. Attached as Exhibit 4 is a copy of the related Homebuyer.com Article covered by the 272 registration.

13. United States Copyright Registration No. TX 9-335-921 (the "921 registration") is titled "The Biden \$15k First-Time Homebuyer Tax Credit: Explained" and covers one of the Homebuyer.com Articles, which was first published on May 22, 2023. Attached as Exhibit 5 is a copy of the related Homebuyer.com Article covered by the 921 registration.

14. United States Copyright Registration No. TX 9-334-535 (the "535 registration") is titled "What Do You Need To Buy a House in 2022?" and covers one of the Homebuyer.com Articles, which was first published on December 2, 2021. Attached as Exhibit 6 is a copy of the related Homebuyer.com Article covered by the 535 registration.

15. United States Copyright Registration No. TX 9-340-830 (the "830 registration") is titled "What Do You Need To Buy a House? 7 Requirements for 2023" and covers one of the Homebuyer.com Articles, which was first published on January 5, 2023. Attached as Exhibit 7 is a copy of the related Homebuyer.com Article covered by the 830 registration.

16. United States Copyright Registration No. TX 9-336-235 (the "235 registration") is titled "DASH Act: A \$15,000 Tax Credit For First-Time Home Buyers" and covers one of the Homebuyer.com Articles, which was first published on April 5, 2023. Attached as Exhibit 8 is a copy of the related Homebuyer.com Article covered by the 235 registration.

17. United States Copyright Registration No. TX 9-334-693 (the "693 registration") is titled "8 First-Time Home Buyer Grants and Programs in 2022" and covers one of the Homebuyer.com Articles, which was first published on February 22, 2022. Attached as Exhibit 9 is a copy of the related Homebuyer.com Article covered by the 693 registration.

18. United States Copyright Registration No. TX 9-334-771 (the "771 registration") is titled "10 First-Time Home Buyer Grants and Programs in 2022" and covers one of the Homebuyer.com Articles, which was first published on September 7, 2022. Attached as Exhibit 10 is a copy of the related Homebuyer.com Article covered by the 771 registration.

19. United States Copyright Registration No. TX 9-334-685 (the "685 registration") is titled "12 First-Time Home Buyer Grants and Programs in 2022" and covers one of the Homebuyer.com Articles, which was first published on November 30, 2022. Attached as Exhibit

11 is a copy of the related Homebuyer.com Article covered by the 685 registration.

20. United States Copyright Registration No. TX 9-336-536 (the "536 registration") is titled "14 First-Time Home Buyer Grants and Programs in 2023" and covers one of the Homebuyer.com Articles, which was first published on February 19, 2023. Attached as Exhibit 12 is a copy of the related Homebuyer.com Article covered by the 536 registration.

21. United States Copyright Registration No. TX 9-334-944 (the "944 registration") is titled "FHA Loans: Your Simple Guide for 2022" and covers one of the Homebuyer.com Articles, which was first published on February 4, 2022. Attached as Exhibit 13 is a copy of the related Homebuyer.com Article covered by the 944 registration.

22. United States Copyright Registration No. TX 9-334-901 (the "901 registration") is titled "FHA Loans: Requirements and Eligibility for 2022" and covers one of the Homebuyer.com Articles, which was first published on August 23, 2022. Attached as Exhibit 14 is a copy of the related Homebuyer.com Article covered by the 901 registration.

23. United States Copyright Registration No. TX 9-341-358 (the "358 registration") is titled "FHA Loans for First-Time Buyers: Requirements & Qualifications" and covers one of the Homebuyer.com Articles, which was first published on January 12, 2023. Attached as Exhibit 15 is a copy of the related Homebuyer.com Article covered by the 358 registration.

24. United States Copyright Registration No. TX 9-334-864 (the "864 registration") is titled "How to Get Pre-Approved For a Mortgage in 4 Simple Steps" and covers one of the Homebuyer.com Articles, which was first published on May 18, 2022. Attached as Exhibit 16 is a copy of the related Homebuyer.com Article covered by the 864 registration.

25. United States Copyright Registration No. TX 9-335-787 (the "787 registration") is titled "Is Now a Good Time to Buy a House? Your Answer for 2022" and covers one of the

Homebuyer.com Articles, which was first published on January 19, 2022. Attached as Exhibit 17 is a copy of the related Homebuyer.com Article covered by the 787 registration.

26. United States Copyright Registration No. TX 9-335-775 (the "775 registration") is titled "Is Now a Good Time to Buy a House? Your Answer for Fall 2022" and covers one of the Homebuyer.com Articles, which was first published on September 13, 2022. Attached as Exhibit 18 is a copy of the related Homebuyer.com Article covered by the 775 registration.

27. United States Copyright Registration No. TX 9-335-310 (the "310 registration") is titled "Is Now a Good Time to Buy a House? March 2023 Edition" and covers one of the Homebuyer.com Articles, which was first published on March 2, 2023. Attached as Exhibit 19 is a copy of the related Homebuyer.com Article covered by the 310 registration.

28. United States Copyright Registration No. TX 9-335-648 (the "648 registration") is titled "Is Now a Good Time to Buy a Home? April 2023 Edition" and covers one of the Homebuyer.com Articles, which was first published on April 2, 2023. Attached as Exhibit 20 is a copy of the related Homebuyer.com Article covered by the 648 registration.

29. United States Copyright Registration No. TX 9-335-513 (the "513 registration") is titled "Is Now a Good Time to Buy a House? [May 2023 Data]" and covers one of the Homebuyer.com Articles, which was first published on May 6, 2023. Attached as Exhibit 21 is a copy of the related Homebuyer.com Article covered by the 513 registration.

30. United States Copyright Registration No. TX 9-335-510 (the "510 registration") is titled "The HELPER Act Mortgage: Explained" and covers one of the Homebuyer.com Articles, which was first published on May 18, 2023. Attached as Exhibit 22 is a copy of the related Homebuyer.com Article covered by the 510 registration.

31. United States Copyright Registration No. TX 9-335-814 (the "814 registration") is

titled "The HELPER Act Mortgage: Explained" and covers one of the Homebuyer.com Articles, which was first published on May 26, 2023. Attached as Exhibit 23 is a copy of the related Homebuyer.com Article covered by the 814 registration.

32. United States Copyright Registration No. TX 9-335-726 (the "726 registration") is titled "What Is a USDA Loan and What Should You Know?" and covers one of the Homebuyer.com Articles, which was first published on May 27, 2022. Attached as Exhibit 24 is a copy of the related Homebuyer.com Article covered by the 726 registration.

33. United States Copyright Registration No. TX 9-335-708 (the "708 registration") is titled "What Is a USDA Loan and What Should You Know?" and covers one of the Homebuyer.com Articles, which was first published on January 13, 2023. Attached as Exhibit 25 is a copy of the related Homebuyer.com Article covered by the 708 registration.

34. The 897, 584, 234, 272, 921, 535, 830, 235, 693, 771, 685, 536, 944, 901, 358, 864, 787, 775, 310, 648, 513, 510, 814, 726, and 708 registrations covering the Homebuyer.com Articles are valid, subsisting, and in full force and effect.

35. The Homebuyer.com Articles are unique works of authorship and wholly original, and Homebuyer.com is the exclusive owner of all right, title, and interest, including all rights under copyright, in the Homebuyer.com Articles.

### **THE INFRINGING WORKS**

36. The infringing works are the Infringing Articles published by Defendants on [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

37. The Infringing Articles include:

- "Down Payment Assistance for First-Time Buyers in Florida - 2023" published on March 14, 2023 (attached as Exhibit 26 is a copy of the Infringing Article);

- "Understanding the \$25,000 Down Payment Toward Equity Act: Expert Guide" published on March 29, 2023 (attached as Exhibit 27 is a copy of the Infringing Article);
- "The Biden \$15k First-Time Homebuyer Tax Credit: Explained" published on March 23, 2023 (attached as Exhibit 28 is a copy of the Infringing Article);
- "What Do You Need to Buy a House in Florida? 7 Requirements for 2023" published on March 27, 2023 (attached as Exhibit 29 is a copy of the Infringing Article);
- "Understanding the DASH Act - \$15,000 Credit" published on June 11, 2023 (attached as Exhibit 30 is a copy of the Infringing Article);
- "14 First-Time Florida Home Buyer Grants and Programs in 2023" published on March 17, 2023 (attached as Exhibit 31 is a copy of the Infringing Article).
- "FHA Loan Requirements for First-Time Buyers in Florida: Expert Guide" published on March 30, 2023 (attached as Exhibit 32 is a copy of the Infringing Article);
- "How to Get Pre-Approved For a Mortgage in Florida: Expert Guide" published on March 26, 2023 (attached as Exhibit 33 is a copy of the Infringing Article).
- "Is Now a Good Time to Buy a House in Florida? 2023 Expert Guide" published on March 25, 2023 (attached as Exhibit 34 is a copy of the Infringing Article);
- "Is July 2023 a Good Time to Buy a House in Florida?" published on July 3, 2023 (attached as Exhibit 35 is a copy of the Infringing Article);
- "Understanding the HELPER Act of 2023" published on June 15, 2023 (attached as Exhibit 36 is a copy of the Infringing Article); and
- "What is a USDA Loan – For Florida Homebuyers" published on June 16, 2023 (attached as Exhibit 37 is a copy of the Infringing Article).

38. The Infringing Articles are substantially similar to the Homebuyer.com Articles. Attached as Exhibit 38 is an exemplary side-by-side comparison, highlighting the instances of where the Infringing Article (Exhibit 26) copies exact wording from the Homebuyer.com Article (Exhibit 1) or is otherwise substantially similar.

39. The Infringing Article titled "Down Payment Assistance for First-Time Buyers in Florida - 2023" is substantially similar to the Homebuyer.com Article covered by the 897 registration. *Compare* Exhibit 1 *with* Exhibit 26; *see also* Exhibit 38.

40. The Infringing Article titled "How to Qualify for Down Payment Assistance in Florida" is substantially similar to the Homebuyer.com Articles covered by the 584 and 234 registrations. *Compare* Exhibits 2 and 3 *with* Exhibit 27.

41. The Infringing Article titled "The Biden \$15k First-Time Homebuyer Tax Credit: Explained" is substantially similar to the Homebuyer.com Articles covered by the 272 and 921 registrations. *Compare* Exhibits 4 and 5 *with* Exhibit 28.

42. The Infringing Article titled "What Do You Need to Buy a House in Florida? 7 Requirements for 2023" is substantially similar to the Homebuyer.com Articles covered by the 535 and 830 registrations. *Compare* Exhibits 6 and 7 *with* Exhibit 29.

43. The Infringing Article titled "Understanding the DASH Act - \$15,000 Credit" is substantially similar to the Homebuyer.com Article covered by the 235 registration. *Compare* Exhibit 8 *with* Exhibit 30.

44. The Infringing Article titled "14 First-Time Florida Home Buyer Grants and Programs in 2023" is substantially similar to the Homebuyer.com Articles covered by the 693, 771, 685, and 536 registrations. *Compare* Exhibits 9, 10, 11, and 12 *with* Exhibit 31.

45. The Infringing Article titled "FHA Loan Requirements for First-Time Buyers in Florida: Expert Guide" is substantially similar to the Homebuyer.com Articles covered by the 944, 901, and 358 registrations. *Compare* Exhibits 13, 14, and 15 *with* Exhibit 32.

46. The Infringing Article titled "How to Get Pre-Approved For a Mortgage in Florida: Expert Guide" is substantially similar to the Homebuyer.com Article covered by the 864 registration. *Compare* Exhibit 16 *with* Exhibit 33.

47. The Infringing Article titled "Is Now a Good Time to Buy a House in Florida? 2023 Expert Guide" is substantially similar to the Homebuyer.com Articles covered by the 787, 775, and 310 registrations. *Compare* Exhibits 17, 18, and 19 *with* Exhibit 34.

48. The Infringing Article titled "Is July 2023 a Good Time to Buy a House in Florida?" is substantially similar to the Homebuyer.com Articles covered by the 787, 775, 310, 648, and 513 registrations. *Compare* Exhibits 17, 18, 19, 20, and 21 *with* Exhibit 35.

49. The Infringing Article titled "Understanding the HELPER Act of 2023" is substantially similar to the Homebuyer.com Articles covered by the 510 and 814 registrations. *Compare* Exhibits 22 and 23 *with* Exhibit 36.

50. The Infringing Article titled "What is a USDA Loan – For Florida Homebuyers" is substantially similar to the Homebuyer.com Articles covered by the 510 and 814 registrations. *Compare* Exhibits 24 and 25 *with* Exhibit 37.

51. The Infringing Articles infringe the registrations covering the Homebuyer.com Articles.

52. The Infringing Article titled "Down Payment Assistance for First-Time Buyers in Florida - 2023" infringes the 897 registration.

53. The Infringing Article titled "How to Qualify for Down Payment Assistance in Florida" infringes the 584 and 234 registrations.

54. The Infringing Article titled "The Biden \$15k First-Time Homebuyer Tax Credit: Explained" infringes the 272 and 921 registrations.

55. The Infringing Article titled "What Do You Need to Buy a House in Florida? 7 Requirements for 2023" infringes the 535 and 830 registrations.

56. The Infringing Article titled "Understanding the DASH Act - \$15,000 Credit" infringes the 235 registration.

57. The Infringing Article titled "14 First-Time Florida Home Buyer Grants and Programs in 2023" infringes the 693, 771, 685, and 536 registrations.

58. The Infringing Article titled "FHA Loan Requirements for First-Time Buyers in Florida: Expert Guide" infringes the 944, 901, and 358 registrations.

59. The Infringing Article titled "How to Get Pre-Approved For a Mortgage in Florida: Expert Guide" infringes the 864 registration.

60. The Infringing Article titled "Is Now a Good Time to Buy a House in Florida? 2023 Expert Guide" infringes the 787, 775, and 310 registrations.

61. The Infringing Article titled "Is July 2023 a Good Time to Buy a House in Florida?" infringes the 787, 775, 310, 648, and 513 registrations.

62. The Infringing Article titled "Understanding the HELPER Act of 2023" infringes the 510 and 814 registrations.

63. The Infringing Article titled "What is a USDA Loan – For Florida Homebuyers" infringes the 726 and 708 registrations.

### **BACKGROUND FACTS**

#### ***The Business of Homebuyer.com***

64. Homebuyer.com is a well-known and established mortgage company for first-time homebuyers that serves as a trusted partner for individuals and families looking to make one of the most important and significant purchases in their entire lives—buying their first home.

65. Homebuyer.com's unique mission is to make home buying and securing a mortgage, which can be an incredibly overwhelming experience, as accessible and inclusive as possible to strengthen neighborhoods across America and provide support for underprivileged and underserved communities.

66. To provide this clarity and understanding, Homebuyer.com serves its clientele by creating an extensive library of articles on the home buying and mortgage process to put these incredibly nuanced processes into layman's terms.

67. Through its website, Homebuyer.com customers can not only read and understand the home buying and mortgage processes, as well as many ancillary opportunities and incentives, but can also click on referral links to be directly connected with companies who can provide such services.

68. Homebuyer.com receives various levels of commissions and incentives for its website traffic, link clicks, post impressions, and completed transactions through its links provided on its website and in its articles.

69. Each Homebuyer.com article contains numerous links, typically in the range of 15-25 links.

70. Homebuyer.com has enjoyed substantial success and has worked hard to protect its company brand, website, and content with various intellectual property rights owned by Homebuyer.com.

71. Homebuyer.com has filed at least 33 copyright applications to date to protect its unique content.

***Defendant Ganz's Infringing Activities***

72. Without permission or consent from Homebuyer.com, Defendant Ganz blatantly copied the Homebuyer.com Articles in creating the substantially similar Infringing Articles.

73. Ganz had access to the Homebuyer.com Articles, which are listed on Homebuyer.com's publicly available website: [www.homebuyer.com](http://www.homebuyer.com).

74. In fact, Ganz has subscribed to the Homebuyer.com email newsletter since January 23, 2023.

75. After January 23, 2023, Ganz created the Infringing Articles and published them on the website: [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

***Defendant Ganz's Continued Use of the Infringing Works***

76. Homebuyer.com sent Ganz letters on September 13, 2023, and again on October 9, 2023, notifying Ganz of his infringement and requesting that he redirect the Infringing Articles to the Homebuyer.com Articles.

77. Despite Homebuyer.com's providing actual notice to Ganz of his infringement, Ganz continues to infringe and has not redirected any Infringing Articles to the Homebuyer.com Articles.

78. Ganz had actual knowledge of Homebuyer.com and its rights to the Homebuyer.com Articles.

79. Ganz's acts complained of herein were and are willful and deliberate.

80. Ganz's acts complained of herein have caused and is causing Homebuyer.com to suffer significant losses of revenue and irreparable injury to its business.

81. Homebuyer.com will continue to suffer substantial loss of goodwill and reputation unless and until Ganz is enjoined from its wrongful actions complained of herein.

***Defendant Make Florida Your Home's Infringing Activities***

82. The Infringing Articles were posted on the website [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

83. Defendant Make Florida Your Home had access to the Homebuyer.com Articles, which are listed on Homebuyer.com's publicly available website: [www.homebuyer.com](http://www.homebuyer.com).

84. The website [www.makefloridayourhome.com](http://www.makefloridayourhome.com) features the "Make Florida Your Home" logo prominently in the upper left-hand corner of each webpage, including on each of the Infringing Articles.

85. The website [www.makefloridayourhome.com](http://www.makefloridayourhome.com) also features a copyright notice at the bottom of the page "Copyright © 2023 Make Florida Your Home. All Rights Reserved."

86. Upon information and belief, Ganz is a manager and President of Make Florida Your Home.

87. Upon information and belief, Make Florida Your Home owns and operates the website [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

88. Upon information and belief, Ganz runs and operates the website [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

89. Upon information and belief, Make Florida Your Home owns the rights to the articles published on its website [www.makefloridayourhome.com](http://www.makefloridayourhome.com), including the Infringing Articles.

90. Make Florida Your Home had actual knowledge of Homebuyer.com and its rights to the Homebuyer.com Articles, at least through the letters sent to its manager and President, Ganz.

91. Despite receiving actual notice of the Homebuyer.com Articles, Make Florida Your Home has not redirected any Infringing Articles to the Homebuyer.com Articles.

92. Make Florida Your Home's acts complained of herein were and are willful and deliberate.

93. Make Florida Your Home's acts complained of herein have caused and is causing Homebuyer.com to suffer significant losses of revenue and irreparable injury to its business.

94. Homebuyer.com will continue to suffer substantial loss of goodwill and reputation unless and until Make Florida Your Home is enjoined from its wrongful actions complained of herein.

***Defendant Next Wave Mortgage's Infringing Activities***

95. Upon information and belief, Ganz and Skerit formed a new limited liability company, Next Wave Mortgage, on or about September 6, 2023.

96. Upon information and belief, Ganz and Skerit are managers of Next Wave Mortgage.

97. The website [www.makefloridayourhome.com](http://www.makefloridayourhome.com) now features the "Next Wave Mortgage" logo concurrently with the "Make Florida Your Home" logo.

98. Defendant Next Wave Mortgage had access to the Homebuyer.com Articles, which are listed on Homebuyer.com's publicly available website: [www.homebuyer.com](http://www.homebuyer.com).

99. Upon information and belief, Next Wave Mortgage has and is continuing to operate the website [www.makefloridayourhome.com](http://www.makefloridayourhome.com), including the Infringing Articles thereon.

100. Next Wave Mortgage had actual knowledge of Homebuyer.com and its rights to the Homebuyer.com Articles, at least through the letters sent to its manager, Defendant Ganz.

101. Despite receiving actual notice of the Homebuyer.com Articles, Next Wave Mortgage has not redirected the Infringing Articles to the Homebuyer.com Articles.

102. Next Wave Mortgage's acts complained of herein were and are willful and deliberate.

103. Next Wave Mortgage's acts complained of herein have caused and is causing Homebuyer.com to suffer significant losses of revenue and irreparable injury to its business.

104. Homebuyer.com will continue to suffer substantial loss of goodwill and reputation unless and until Next Wave Mortgage is enjoined from its wrongful actions complained of herein.

***Defendant Skerritt's Infringing Activities***

105. One or more of the Infringing Articles explicitly state "[e]dited by Ryan Skerritt" on the [www.makefloridayourhome.com](http://www.makefloridayourhome.com) website.

106. Upon information and belief, Skerritt edited the Infringing Articles and at least through his editing infringed the Homebuyer.com Articles.

107. Upon information and belief, Skerritt runs and operates the website [www.makefloridayourhome.com](http://www.makefloridayourhome.com).

**FIRST CLAIM FOR RELIEF**  
**(Copyright Infringement, 17 U.S.C. §§ 101, *et. seq.*)**

108. Homebuyer.com repeats and incorporates by reference the allegations set forth in the foregoing paragraphs.

109. The Homebuyer.com Articles are original literary works containing copyrightable subject matter for which copyright protection exists under the Copyright Act, 17 U.S.C. § 101, *et. Seq.*

110. Homebuyer.com is the exclusive owner of rights under copyright in and to the Homebuyer.com Articles. Homebuyer.com owns a valid copyright registration for the Homebuyer.com Articles, attached hereto as Exhibits 1-7.

111. Through Defendants' conduct alleged herein, including Defendants' reproduction, distribution, and public display of the Infringing Articles, which are copied from and substantially similar to the Homebuyer.com Articles, without Homebuyer.com's permission, Defendants have

directly infringed Homebuyer.com's exclusive rights in the Homebuyer.com Articles in violation of Section 501 of the Copyright Act, 17 U.S.C. § 501.

112. On information and belief, Defendants' infringing conduct alleged herein was and continues to be willful and with full knowledge of Homebuyer.com's rights in the Homebuyer.com Articles, and has enabled Defendants to illegally to obtain profit therefrom.

113. As a direct and proximate result of Defendants' infringing conduct alleged herein, Homebuyer.com has been harmed and is entitled to damages in an amount to be proven at trial and expected to exceed \$1 million. Under 17 U.S.C. § 504(b), Homebuyer.com is entitled to recovery of Defendants' profits attributable to Defendants' infringing conduct alleged herein, including from any and all revenue resulting from access to the Infringing Articles, and an accounting of and a constructive trust with respect to such profits.

114. Homebuyer.com further is entitled to its attorneys' fees and costs under 17 U.S.C. § 505.

115. As a direct and proximate result of the Defendants' infringing conduct alleged herein, Homebuyer.com has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. On information and belief, unless Defendants' infringing conduct is enjoined by this Court, Defendants will continue to infringe the Homebuyer.com Articles. Homebuyer.com therefore is entitled to injunctive relief restraining and enjoining Defendants' ongoing infringing conduct.

**SECOND CLAIM FOR RELIEF**  
**(Copyright Infringement, 17 U.S.C. §§ 101, *et. seq.*)**

116. Homebuyer.com repeats and incorporates by reference the allegations set forth in the foregoing paragraphs.

117. In the alternative that one or more of the Defendants are found not to have directly infringed the Homebuyer.com Articles, Defendants' conduct alleged herein, including Defendants' active inducement, encouragement, and material contributions to the Infringing Works and knowledge of the direct infringement of the Infringing Works by the remaining Defendant(s), indirectly infringed Plaintiff's exclusive rights in the Registered Works in violation of Section 501 of the Copyright Act, 17 U.S.C. § 501.

**PRAYER FOR RELIEF**

WHEREFORE, Homebuyer.com prays for judgment and relief against Defendants, including:

A. Adjudging that Defendants infringed the 897, 584, 234, 272, 921, 535, 830, 235, 693, 771, 685, 536, 944, 901, 358, 864, 787, 775, 310, 648, 513, 510, 814, 726, and 708 registrations;

B. Permanently enjoining Defendants, their officers, agents, servants, employees, representatives, successors, and assigns, and all persons, firms, or corporations acting in concert or participation with Defendants from continued acts of infringement of the 897, 235, 693, 771, 685, 536, 944, 901, 358, 864, 787, 775, 310, 648, 513, 510, 814, 726, and 708 registrations;

C. Ordering Defendants, at their own expense, to redirect the Infringing Articles to the Homebuyer.com Articles;

D. Ordering Defendants to provide an accounting of Defendants' profits attributable to Defendants infringement;

E. Ordering Defendants to destroy or deliver up for destruction all materials in Defendants' possession, custody, or control used by the Defendants in connection with Defendants' infringing conduct, including without limitation all remaining copies of the Infringing Articles and

any products and works that embody any reproduction or other copy or colorable imitation of the Homebuyer.com Articles;

F. Awarding Homebuyer.com exemplary damages;

G. Awarding Homebuyer.com the costs of this civil action, including its reasonable attorneys' fees;

H. Awarding Homebuyer.com actual damages, together with pre-judgment and post-judgment interest; and

I. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff Homebuyer.com demands a trial by jury for all issues so triable.

Respectfully submitted,

/s/ John F. Bennett

John F. Bennett (0074506)

*Trial Attorney*

Ashley J. Earle (0093664)

Ava M. Abner (100384)

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